

RESOLUTION NO. 20121206-071

WHEREAS, parts of Austin's central city are experiencing shortages of private, off-street parking; and

WHEREAS, city-owned parking lots may exist in those areas which are under-utilized, only utilized at certain times, or used illegally for non-city purposes; and

WHEREAS, vacant parking lots are an inefficient use of land and lack the aesthetic or recreational benefits of parkland or open space; and

WHEREAS, unique parkland amenities and public art installations enhance the character of surrounding neighborhoods; and

WHEREAS, due to limited resources and the need to channel parkland dedication funds into larger system-wide acquisitions and improvements, it is often difficult for the City to provide unique and innovative amenities and enhancements for individual parks; and

WHEREAS, meeting the City's minimum commercial parking requirements in the urban core poses a significant challenge for many businesses, particularly for smaller scale local businesses in densely developed areas; and

WHEREAS, allowing businesses to utilize under-used city parking lots in exchange for providing valuable amenities and enhancements would represent good urban planning, significant public benefit, and efficient use of public resources; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. The city council initiates amendments to Title 25 (*Land Development*) of the City Code and directs the city manager to develop an ordinance that allows businesses, under certain conditions, to use under-utilized parking lots on city parkland to satisfy minimum parking requirements in exchange for providing significant amenities or enhancements to serve the park.
2. In developing the ordinance, the city manager should use the following requirements and criteria as a starting point. Additional requirements or procedures may also be included based on further review and consultation with affected city departments.
 - (A) The ordinance should allow proposals to be accepted for review only from businesses located within 1,000 feet of a parking lot that is located on city parkland and, based on a determination by the Transportation Department, has an over-capacity of parking based on the parking demands for existing and planned park-related uses.
 - (B) To be considered for review, a proposal from an eligible business would have to include:
 - (i) proof that the business cannot provide the minimum number of parking spaces required under City Code Chapter 25-6 (*Transportation*); and

- (ii) an offer to provide and maintain, at the business's own expense, a significant and innovative park amenity or improvement.
- (C) A proposal would be recommended to the city council for approval through the Chapter 26 process if the official designated to review the proposal concludes, at a minimum, that:
 - (i) the excess capacity of parking is sufficient to satisfy at least 75% of the applicant's parking deficiency for at least 75% of the time that the business is open; and
 - (ii) the proposed amenity or improvement would constitute a significant public benefit and enhance the character of the park or provide a substantial recreational benefit; and
 - (iii) use of the spaces will not unduly interfere with use of the park for park purposes.
- (D) Council approval of a proposal would be subject to the requirements of the Texas Parks and Wildlife Code, Chapter 26, and all other applicable ordinance, charter, and statutory requirements. In addition, approval would require execution of a park use agreement that:
 - (i) requires the applicant to provide for any necessary maintenance of the park amenity or improvement and the parking spaces covered by the agreement;
 - (ii) gives the City the unilateral right to revoke the agreement, without penalty, in which case an applicant would be

required to fully satisfy the minimum parking standards under Chapter 25-6 (*Transportation*); and

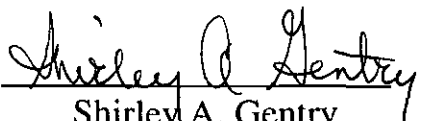
(iii) allows the city to utilize the parking spaces subject to the agreement.

(E) Nothing in this ordinance shall apply to the Mexican American Cultural Center and its master plan.

3. The City Manager is authorized to consider allowing a fee in lieu of providing and maintaining the proposed amenity and the evaluation process should include an assessment of the value of the amenity relative to the parking spaces.
4. This ordinance should come back to Council by March 31, 2013.

ADOPTED: December 6, 2012

ATTEST:


Shirley A. Gentry
City Clerk